

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-30 and 32-35 are currently pending. Claim 31 has been canceled without prejudice; and Claims 1, 4, 5, 10, 12, 14-16, 23, 25, 32, and 34 have been amended by the present amended. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1-35 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,987,513 to Prithviraj et al. (hereinafter “the ‘513 patent”).

Applicants wish to thank the Examiner for the interview granted Applicants’ representative on July 28, 2004, at which time a proposed amendment to Claim 1 was discussed. In particular, the functioning of the local monitoring device and the remote monitor was discussed in light of the teachings of the ‘513 patent. However, no agreement was reached pending the Examiner’s further consideration of the claims upon formal submission of a response to the outstanding Office Action.

Amended Claim 1 is directed to a computer implemented remote device monitoring system, comprising: (1) a local monitoring device configured to collect information from a device connected to a first network using a network management protocol, and to send the information to a monitor connected to a second network via a wide area network using a protocol; and (2) the monitor configured to receive the information using the protocol and to store the information in a digital repository connected to the second network. In addition, Claim 1 has been amended to clarify that the local monitoring device is configured to automatically request the information from the device, without receiving an instruction from the monitor.

The changes to Claim 1 are supported by the originally filed specification and do not add new matter.¹

Applicants respectfully submit that the rejection of Claim 1 (and dependent Claims 2-15) as anticipated by the '513 patent is rendered moot by the present amendment to Claim 1.

The '513 patent is directed to a network based management system using browser based technology. As shown in Figure 1, the '513 patent discloses a network management station 101 that can be used to manage all of the elements in networks 110, 150, and 190. In particular, the '513 patent discloses that hypertext documents are used to graphically represent the network elements and to allow a user to manage the network by clicking on hypertext links, which causes the system to retrieve information related to the corresponding network elements. For example, the '513 patent discloses that the Simple Network Management Protocol (SNMP) is used to retrieve information from the network elements, using agents residing on the server or client computers. However, Applicants respectfully submit that the '513 patent fails to disclose both a local monitoring device configured to collect information from a device connected to a first network using a network management protocol, and a monitor, connected to a second network via a wide area network, configured to receive the information using a protocol, wherein the local monitoring device is configured to automatically request the information from the device, without receiving an instruction from the monitor, as recited in amended Claim 1. Rather, the '513 patent merely discloses a web-based network management station configured to obtain information from a device over a network, in response to user commands, by directing an agent to obtain various data values using SNMP commands.² Accordingly, Applicants respectfully submit that Claim 1 (and dependent Claims 2-15), patentably define over the '513 patent.

¹ See, e.g., Figure 1 and the discussion related thereto in the specification. See also page 10 of the specification.

² See, e.g., '513 patent, column 8, line 55 to column 9, line 51.

Independent Claims 16, 25, and 34 recite limitations analogous to the limitations recited in Claim 1. Moreover, Claims 16, 25, and 34 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above and the patentability of Claim 1, Applicants respectfully submit that the rejection of Claim 16 (and dependent Claims 17-24), Claim 25 (and dependent Claims 26-30, 32, and 33), and Claim 34 (and dependent Claim 35) are rendered moot by the present amendment to the independent claims. Moreover, Applicants respectfully submit that the rejection of dependent Claim 31 is rendered moot by the present cancellation of that claim.

Thus, it is respectfully submitted that independent Claims 1, 16, 25, and 34 (and all associated dependent claims) patentably define over the '513 patent.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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